IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL UNDER SECTION 109 No 18 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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M/S.TORRENT PHARMACEUTICALS LTD.

Versus

THE WELLCOME FOUNDATION LTD.

Appearance:

1. APPEAL UNDER SECTION 109 No. 18 of 1995

MR RR SHAH for Petitioner No. 1

MR. VYAS FOR MR. GN SHAH for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 11/07/2001

ORAL JUDGEMENT

M/s. Torrent Pharmaceuticals Ltd.-appellants have filed this appeal against the judgement and order dated 19.8.1994 passed by the Assistant Registrar of Trade Marks. The Registrar by his said order was pleased to

allow the opposition and application No. 483812 in class 5 is ordered to be refused for registration. In that case the appellants had applied for registration of trade mark "TROVIRAL" vide application No. 483812 in class 5 in respect of Medicinal and Pharmaceutical preparations included in class 5.

2. On 27.4.1992 Ms/. Wellcome Foundation Ltd., an English Company, England gave notice of their intention to oppose the registration of the trade mark advertised as aforesaid on the grounds of its violative of Section 9, 11(1), 11(e), 12(1) and 18(1) of the Trade and Merchandise Marks Act, 1958. In that application the Registrar allowed the opposition and refused registration to the word "TROVIRAL".

3. In view of the judgement given by this court today in the case of M/s. Torrent Pharmaceuticals Ltd. Vs. The Wellcome Foundation Ltd. in appeal under Section 109 No. 17 of 1995, this appeal is rejected with no order as to costs.

(K.M. MEHTA, J)

(pkn)